



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-2900 FAX (603) 271-2456



March 1, 2004

**CERTIFIED MAIL
(# 7000 1670 0000 0585 9060)
RETURN RECEIPT REQUESTED**

NOTICE OF PAST VIOLATION

Hewlett-Packard
110 Spit Brook Road
Nashua, New Hampshire 03062

Attn: Mr. James Dirico, Facility Manager

**Re: Hewlett-Packard
Nashua, New Hampshire
EPA ID # NHD048503924**

Dear Mr. Dirico:

On November 12, 2003, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of Hewlett-Packard ("HP"). The purpose of the inspection was to determine HP's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection and a review of the information provided to DES, the following deficiencies in your hazardous waste management program were documented:

Env-Wm 509.02(a)(2) – Personnel Training

A review of HP's personnel training program revealed the following deficiencies

- (a) Jorge Chaves is the Program Administrator and signs hazardous waste manifests. Mr. Chaves did not receive hazardous waste management training in two (2) of the past five (5) years (2000-2001).
- (b) James Dirico is the Facility Manager and signs hazardous waste manifests. Mr. Dirico has not received hazardous waste management training in three (3) of the past five (5) years (2001-2003).

Frank Rooney is the Regional EHS Manager and Emergency Coordinator. Mr. Rooney has not received hazardous waste management training in four (4) of the past five (5) years (1999-2001, and 2003).

Don Knight and Dino Rossi conduct inspections of the main hazardous waste storage area. Mr. Knight did not receive hazardous waste management training in 2003. Mr. Rossi did not receive hazardous waste management training in 1999, 2000 and 2003.

Training Program records provided to DES at the time of inspection, failed to document a training plan which includes a list of hazardous waste job titles, job descriptions, names of employees filling each position, and descriptions of the type and amount of introductory and continuing training to be given to each person filling a position with hazardous waste management duties.

Env-Wm 509.02(a)(2), which references 40 CFR 265.16, Personnel Training, requires full quantity generators to maintain a personnel training program. This includes, but is not limited to, ensuring that initial training and annual reviews are conducted for personnel handling hazardous waste, and specific documents and records related to personnel training are maintained at the facility.

DES requested that HP conduct and document hazardous waste training and annual reviews for all Emergency Coordinators, and for employees who handle hazardous waste and/or sign hazardous waste manifests. DES also requested that HP maintain a written personnel training program which documents hazardous waste job titles, job descriptions, names of employees filling each position, and a description of the type and amount of introductory and continuing training to be given to each person filling a position with hazardous waste management duties (refer to the enclosed FQG Module). Please submit a copy of this personnel training program to DES.

DES requests HP re-notify DES as a small quantity generator (SQG) of hazardous waste. As long as HP's hazardous waste generation rate is consistently less than 100 kg/month, the facility will remain a SQG. By remaining a SQG, HP can achieve regulatory relief from the FQG requirements listed under Env-Wm 509 and would not be required to develop and maintain a personnel training program.

2. Env-Wm 509.02(a)(5) – Contingency Plan

A review of HP's contingency plan revealed deficiencies regarding the following:

Office and home address for the primary emergency coordinator;

Location, description, and capabilities of emergency equipment;

- (c) Copies of the plan have not been submitted to the local authorities (police, fire, hospitals, contractors, and state and local emergency response teams); and
- (d) The facility contingency plan did not list the specific elements to be included in a 15-day report, listed in 40 CFR 265.56(j), that address details of the incident.

Env-Wm 509.02(a)(5), which references 40 CFR 265, Subpart D, requires full quantity generators to maintain a complete contingency plan at the site.

DES requested that HP revise its contingency plan to correct any deficiencies as identified in the enclosed Contingency Plan Module.

DES requests HP re-notify DES as a SQG of hazardous waste. As long as HP's hazardous waste generation rate is consistently less than 100 kg/month, the facility will remain a SQG. By remaining a SQG, HP can achieve regulatory relief from the FQG requirements listed under Env-Wm 509 and would not be required to develop and maintain the facility contingency plan.

3. Env-Wm 1102.03(c) – Universal Waste Management

At the time of the inspection, three (3) containers of universal waste lamps, located in the storage area above the Maintenance Room, were not closed.

Env-Wm 1102.03(c) requires universal waste containers to be closed, except when universal waste is being added to or removed from the container.

DES requested that HP ensure that containers of universal waste lamps are closed, except when universal waste is being added to or removed from the container.

During the inspection, HP personnel closed all containers of universal waste lamps. No further action is required.

4. Env-Wm 1102.03 - Universal Waste Batteries

At the time of the inspection, three (3) universal waste batteries, located in the Mechanical Room, were not marked with the words "Universal Waste – Battery(ies)", "Waste Battery(ies)", or "Used Battery(ies)."

Env-Wm 1102.03, which references Env-Wm 1112.04, requires universal waste handlers to ensure all container(s) holding universal waste to be clearly labeled or marked with any of the following: "Universal Waste – Battery(ies)", "Waste Battery(ies)", or "Used Battery(ies)."

DES requested that HP clearly label the three (3) containers of universal waste batteries with any of the following: "Universal Waste – Battery(ies)", "Waste Battery(ies)", or "Used Battery(ies)."

During the inspection, HP personnel labeled the containers of universal waste batteries with the words "Universal Waste – Batteries". No further action is required.

5 Env-Wm 1102.03(c) - Universal Waste Lamps

At the time of the inspection, eight (8) universal waste lamps, located in the storage area above the Maintenance Room, were not stored in containers.

Env-Wm 1102.03(c), which references Env-Wm 1112.03(a), requires that intact and broken universal waste lamps be stored in containers.

DES requested that HP store the three (3) universal waste lamps in containers.

During the inspection, HP personnel placed the lamps into containers that were subsequently closed and properly labeled. No further action is required.

6 Env-Wm 102.03 Universal Waste Lamps

At the time of the inspection, three (3) containers of universal waste lamps, located in the storage area above the Maintenance Room, were not marked with the words "Universal Waste – Lamps", "Waste Lamp(s)", or "Used Lamp(s)."

Env-Wm 1102.03, which references Env-Wm 1112.04, requires universal waste handlers to ensure all container(s) holding universal waste to be clearly labeled or marked with any of the following: "Universal Waste – Lamps", "Waste Lamp(s)", or "Used Lamp(s)."

DES requested that HP clearly label the three (3) containers of universal waste lamps with any of the following: "Universal Waste – Lamps", "Waste Lamp(s)", or "Used Lamp(s)."

During the inspection, HP personnel labeled the containers of universal waste lamps with the words "Universal Waste – Lamps". No further action is required.

At the time of the inspection, HP was managing the waste oil generated from maintenance of generators and chillers as a hazardous waste. The waste oil was shipped off-site for disposal using waste code NH01. During the inspection, DES personnel informed HP that if used oil determinations were conducted and subsequent analytical results indicated that the used

oil does not exceed the standards for total arsenic, cadmium, chromium, lead, flash point, or total halogens, the used oil may be handled as a "used oil for recycle," instead of a hazardous waste.

Analytical results from the used oil determinations were submitted to DES on February 4, 2004. The results indicated that the used oil generated from generators met the standards of a "specification used oil for recycle;" however, the used oil generated from chillers contained total halogens above the regulatory limit of 1000 parts per million ("ppm"). According to Env-Wm 807.04(c), used oil containing more than 1000 ppm of total halogens shall be presumed to be a hazardous waste on the basis that it has been mixed with a listed halogenated hazardous waste. HP may rebut this presumption by providing conclusive information that the used oil has not been mixed with hazardous halogenated waste listed in Env-Wm 400. Furthermore, Env-Wm 401.03(b)(9) states that used CFCs from heat transfer equipment are exempt from the hazardous waste rules, provided they are reclaimed. HP may use generator knowledge, analytical results, MSDSs, or other information substantiating that CFC contamination from the chillers are the sole source of the halogens detected in the waste oil generated from chiller maintenance. Should HP successfully rebut the presumption, this waste oil may be handled as an "off-specification used oil for recycle."

In a submittal dated February 6, 2004, HP provided documentation that successfully rebutted the presumption that the waste oil generated from chillers had been mixed with a listed halogenated hazardous waste. Therefore, based on that submittal and the used oil analytical results, DES requests HP re-notify DES as a SQG of hazardous waste. Enclosed is a Hazardous Waste Activity Notification Form for completion and submittal. As long as HP's hazardous waste generation rate is consistently less than 100 kg/month, the facility will remain a SQG. By remaining a SQG, HP can achieve regulatory relief from the FQG requirements listed under Env-Wm 509 and would not be required to develop and maintain a personnel training program (item #1), and revise and maintain the facility contingency plan (item #2).

DES believes the deficiencies identified during the inspection have been corrected and acknowledges receipt of the submittals describing the corrective measures taken by HP to achieve compliance. Accordingly, no further action in response to the listed deficiencies is required. However, DES personnel may reinspect your facility at a later date to determine whether the facility is maintaining full compliance with the applicable rules. Fines may also be pursued for any or all violations observed during subsequent inspections of the facility.

Enclosed you will find a copy of the completed Hazardous Waste Generator RCRA Inspection Checklist which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at (1-866) HAZ-WAST (in-state only) or (603) 271-2942.

If you believe that the deficiencies documented in this NOPV have been cited in error, or if you have any questions regarding this letter, please contact the lead inspector Eric Abrams or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section at 271-2942. Specific questions regarding water related issues may be directed to Sharon Nall of DES's Water Division at 271-3307, and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,



Kenneth W. Marschner, Administrator
Waste Management Programs
Waste Management Division

DB/RCRA/NOPV/~~REDACTED~~/Archives
Anthony P. Giunta, P.G., Director, WMD
Gretchen Rule, Administrator, DES Legal Unit
Steve Maffetone, EHS Consultant, HP

mail: JJD/SD/SN/PM

Enclosure Hazardous Waste Generator Inspection Report